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| 10/599,636 | 10/04/2006 | Thomas Daniel Heightman | PB60825USw | 2093 |
| 23347 | 7590 | 03/03/2009 | | |
| GLAXOSMITHKLINE CORPORATE INTELLECTUAL PROPERTY, MAI B482 FIVE MOORE DR., PO BOX 13398 RESEARCH TRIANGLE PARK, NC 27709-3398 | | | EXAMINER COLEMAN, BRENDA LIBBY | |
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| | | | 1624 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Claims 10-14 are pending in the application.

This action is in response to applicants' amendment dated December 16, 2008.

Claim 10, 11, 13 and 14 have been amended.

Response to Arguments

Applicant's arguments filed December 16, 2008 have been fully considered with the following effect:

1. The applicants' amendments and arguments are sufficient to overcome the 35 U.S.C. § 112, first paragraph rejection labeled paragraph 1) in the last office action, which is hereby **withdrawn**.
2. The applicants' amendments and arguments are sufficient to overcome the 35 U.S.C. § 112, first paragraph rejection labeled paragraph 2) in the last office action, which is hereby **withdrawn**.
3. The applicants' amendments and arguments are sufficient to overcome the 35 U.S.C. § 112, second paragraph rejection labeled paragraph 3) in the last office action, which are hereby **withdrawn**.
4. The applicants' amendments and arguments are sufficient to overcome the 35 U.S.C. § 102, anticipation rejection labeled paragraph 4) in the last office action, which is hereby **withdrawn**.

In view of the amendment dated December 16, 2008, the following new grounds of rejection apply:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reasons apply:

a. Claim 10 and claims dependent thereon are vague and indefinite in that it is not known what is meant by "tettahydro" in the nomenclature of the species excluded at the end of claim 10.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 10 and 12-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Heightman et al., WO 2004/035544. Heightman teaches the compounds, compositions, method of use and process of preparing the compounds of formula (I) where R¹ is cyclohexylmethyl, cyclopropylmethyl, isobutyl, methoxyethyl, 3,3,3-trifluoropropyl, etc.;

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R² is piperidin-1-ylpropyl, piperidin-1-ylbutyl, piperidin-1-ylethyl, etc.; and n is 0. See examples E2, E4, E18, E29, E30, E48, E52, etc.

7. Claims 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gadski et al., WO 2004/018432. Gadski teaches the compounds, compositions, method of use and process of preparing the compounds of formula (I) where R¹ is cyclohexylmethyl, ethyl, isopropyl, cyclopentylmethyl, etc.; R² is piperidin-1-ylpropyl; and n is 0. See examples 7, 11, 14, 18, 20, etc.

8. Claims 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishihara et al., WO 2001/087834 (U.S. equivalent 7,229,986). Ishihara teaches the compounds, compositions, method of use and process of preparing the compounds of formula (I) where R¹ is isopropyl; R² is 4-(4-chlorophenyl)piperidin-1-ylpropyl; and n is 0. See column 35, lines 34-35.

Claim Objections

9. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda L. Coleman whose telephone number is 571-272-0665. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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/Brenda L. Coleman/
Primary Examiner, Art Unit 1624